

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION**

JAMES C. SPENCER,)
)
Plaintiff,)
)
v.) Case No.: 6:18-cv-01970-LSC-HNJ
)
MARLAH MARDIS, et al.,)
)
Defendants.)

MEMORANDUM OPINION

The magistrate judge filed a report on April 9, 2019, recommending the defendants Marlah Mardis, M.D., and Wexford Health Sources, Inc.'s motion for summary judgment be granted and this action be dismissed. (Doc. 10). Although the magistrate judge advised the plaintiff of his right to file specific written objections within fourteen (14) days, no objections have been received by the court and the time to file objections has expired.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the magistrate judge's report is hereby **ADOPTED** and the recommendation is **ACCEPTED**. The court **EXPRESSLY FINDS** that no genuine issues of material fact remain and the defendants are entitled to judgment as a matter of law. Accordingly, defendants Marlah Mardis, M.D., and Wexford Health Sources, Inc.'s motion for summary

judgment (doc. 7) is due to be granted and those claims are due to be dismissed with prejudice.

The plaintiff's Eighth Amendment claim against Nurse Dubose is due to be dismissed without prejudice.

The plaintiff's state law claims are due to be remanded to the state court from which they were removed.

A Final Judgment will be entered.

DONE AND ORDERED ON MAY 15, 2019.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
160704